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To:	Examiner Daniel V. VENNE	From:	Roger S. Thompson
Fax:	(571) 273-8300	Pages:	1 (total number of pages)
Re:	Ser. No. 10/550,818	Date:	Wednesday, May 27, 2009

☐ Confirmation will follow☒ No confirmation to follow

Dear Examiner Venne:

You have indicated that you wish to have an agenda for any post-final telephone interview I would hope to schedule, and I provide the proposed agenda herewith. I have two questions that I would like to discuss with you to make sure I understand fully your position with respect to the references at issue:

1. Is my understanding correct that, with respect to the definition of the term "quasi-incompressible fluid", you do not restrict the meaning ascribed to that term to the express definition of that term found in the specification (as stated in para. 11 of the Final Office Action, page 5), despite the strictures of M.P.E.P. Sec. 2111.01 (IV) ("Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim."). *Citing, Toro Co. v. White Consolidated Industries Inc.*, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999).

2. Is my understanding correct that it is your position that it would be proper to modify the teachings of Bennett to replace the buoyancy fluid taught therein with a "quasi incompressible fluid" as claimed, even in the absence of any expressed motivation to do so (in Bennett or elsewhere), on the sole basis that the applicant has admitted that quasi-incompressible fluids exist. It is pointed out, in this respect, that no motivation to make that substitution has been identified in the art or elsewhere, and that there is no indication of record of any recognition in the art that making such a substitution would be beneficial.

These are the issues I would hope to discuss with you during a telephone interview, if the interview were to be granted.

Roger S. Thompson (Reg. No. 29,594)


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